

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Denise Carlon, Esquire

KML Law Group, P.C.

216 Haddon Avenue

Suite 406

Westmont, NJ 08108

Main Phone: 609-250-0700

dcarlon@kmlawgroup.com

Attorneys for Secured Creditor

Ditech Financial, LLC



Order Filed on April 25, 2017
by Clerk, U.S. Bankruptcy
Court - District of New Jersey

In Re:

Mark Smith & Pamjoi Smith,

Debtors.

Case No.: 16-32726-SLM

Adv. No.:

Hearing Date: 4/26/2017 @ 9:00 a.m.

Judge: Stacey L. Meisel

**ORDER GRANTING STAY RELIEF & RESOLVING OBJECTION TO
CONFIRMATION OF PLAN**

The relief set forth on the following pages, numbered two (2) through two (2) is hereby
ORDERED.

DATED: April 25, 2017

A handwritten signature in cursive script, reading "Stacey L. Meisel".

Honorable Stacey L. Meisel
United States Bankruptcy Judge

(Page 2)

Debtor: Mark Smith & Pamjoi Smith

Case No: 16-32726-SLM

Caption of Order: ORDER GRANTING STAY RELIEF & RESOLVING OBJECTION TO
CONFIRMATION

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Ditech Financial, holder of a lien on 17 Franklin Street, Charlestown, MA 02129, Denise Carlon, Esq. appearing, upon an objection to confirmation of Debtors' chapter 13 plan, and it appearing that notice of said objection was properly served upon all parties concerned, and this Court having considered the representations of attorneys for Ditech Financial and Bruce Radowitz, Esq., attorney for Debtors, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that 17 Franklin Street, Charlestown, MA 02129 is **not** property of Debtors' bankruptcy estate;

It is further **ORDERED, ADJUDGED and DECREED** that said property was never property of Debtors' bankruptcy estate, but rather is property belonging to a different Mark Smith that is not this bankruptcy debtor; and

It is further **ORDERED, ADJUDGED and DECREED** that the purpose of this Order is to allow Ditech Financial to proceed with any and all of its remedies with respect to the Massachusetts property, and is being entered out of an abundance of caution; and

It is further **ORDERED, ADJUDGED and DECREED** that the automatic stay did not go into effect upon the filing of this case;

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor's objection to confirmation is hereby resolved.

Certificate of Notice Page 3 of 3
United States Bankruptcy Court
District of New Jersey

In re:
Mark Smith
Pamjoi Smith
Debtors

Case No. 16-32726-SLM
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Apr 26, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 28, 2017.

db/jdb +Mark Smith, Pamjoi Smith, 905 Woodland Avenue, Union, NJ 07083-7712

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 28, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 26, 2017 at the address(es) listed below:

Bruce W. Radowitz on behalf of Joint Debtor Pamjoi Smith bradowitz@comcast.net,
r45676@notify.bestcase.com

Bruce W. Radowitz on behalf of Debtor Mark Smith bradowitz@comcast.net,
r45676@notify.bestcase.com

Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com,
bkggroup@kmlawgroup.com

Jeanette F. Frankenberg on behalf of Creditor SETERUS INC., as servicer for FEDERAL NATIONAL
MORTGAGE ASSOCIATION cmecf@sternlav.com

Marie-Ann Greenberg magecf@magtrustee.com

U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

William M.E. Powers on behalf of Creditor Wells Fargo Bank, N.A. ecf@powerskirn.com

William M.E. Powers, III on behalf of Creditor Wells Fargo Bank, N.A. ecf@powerskirn.com

TOTAL: 8